



February 16, 2023

VIA ECF

Judge Alvin K. Hellerstein  
Room 1015  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

SO ORDERED.

/s/ Alvin Hellerstein  
February 23, 2023

**Orrick, Herrington & Sutcliffe LLP**

2050 Main Street  
Suite 1100  
Irvine, CA 92614-8255

+1 949 567 6700

**orrick.com**

**Khai LeQuang**

E klequang@orrick.com  
T +1 949 852 7708  
M +1 949 236 0973

Re: *VICOF II Trust, et al. v. John Hancock Life Insurance Company of New York, et al.*, 19-cv-11093-AKH: Letter Regarding Sealing Plaintiffs' Submissions in Opposition to Defendants' Motions *in Limine*

Dear Judge Hellerstein:

Plaintiffs in the above-captioned case respectfully request leave to file under seal or in redacted form certain submissions by Plaintiffs in Opposition to the Motions *in Limine* filed by Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.) (collectively, "John Hancock" or "Defendants") in this case, including Plaintiffs' Memoranda of Law in Opposition to Defendants' Motions *in Limine* ("Plaintiffs' Oppositions") and the Declaration of Khai LeQuang in Opposition to Defendants' Motions *in Limine* ("LeQuang Declaration"). Specifically, Plaintiffs request leave to file under seal or in redacted form the following: (1) certain exhibits to the LeQuang Declaration, which are listed on Exhibit 1 hereto; (2) references in Plaintiffs' Oppositions to the documents listed on Exhibit 1 hereto; (3) references in Plaintiffs' Oppositions to documents that were previously filed under seal in the above-captioned case, which are cited in Plaintiffs' Oppositions by docket number and are listed on Exhibit 2 hereto; and (4) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion *in Limine* No. 7, in its entirety.<sup>1</sup> All of the documents listed on Exhibits 1 and 2 have been designated as "Confidential" by John Hancock under the Stipulated Confidentiality Agreement and Protective Order ("Protective Order") entered in this case (ECF No. 34).

Rule 4(B) of the Court's Individual Rules ("Rules") and the Protective Order govern the filing of documents under seal. As required by the Rules and the Protective Order, Plaintiffs met and conferred with opposing counsel to narrow the scope of this request. Pursuant to the Rules and the Protective Order, Plaintiffs are filing the categories of documents listed above under seal or in redacted form, but Plaintiffs are not seeking continued confidential treatment of these documents or portions of documents. Under the Protective Order, John Hancock has three days to

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<sup>1</sup> Plaintiffs are filing the entirety of their Memorandum of Law in Opposition to Defendants' Motion *in Limine* No. 7 under seal because John Hancock filed the entirety of its Motion *in Limine* No. 7 under seal; however, Plaintiffs do not agree that John Hancock's request to seal the entirety of its Motion *in Limine* No. 7 was appropriate.



February 16, 2023

Page 2

file “a letter explaining the need to seal or redact the materials and whether [John Hancock] intends to make a motion for continued sealing” and 21 days to “file a motion with the Court seeking the continued sealing of the information, or certain parts of the information, originally sought to be filed under seal.” Protective Order, ¶¶ 10, 11.

Pursuant to the terms of the Protective Order, Plaintiffs respectfully request leave to file under seal or in redacted form the following: (1) certain exhibits to the LeQuang Declaration, which are listed on Exhibit 1 hereto; (2) references in Plaintiffs’ Oppositions to the documents listed on Exhibit 1 hereto; (3) references in Plaintiffs’ Oppositions to documents that were previously filed under seal in the above-captioned case, which are cited in Plaintiffs’ Oppositions by docket number and are listed on Exhibit 2 hereto; and (4) Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion *in Limine* No. 7, in its entirety. This is the first such request, and it will not affect any pending deadlines in the case.

Dated: February 16, 2023

Orrick, Herrington & Sutcliffe LLP

By: /s/ Khai LeQuang

Khai LeQuang  
klequang@orrick.com  
2050 Main Street  
Suite 1100  
Irvine, CA 92614-8255  
Tel: (949) 567-6700

*Attorneys for Plaintiffs*

# Exhibit 1

| <b>LeQuang Declaration Exhibit No.</b> | <b>Beginning Bates Number / Document Description</b> | <b>File Under Seal / Redact</b> |
|--|--|---------------------------------|
| 78                                     | Excerpts from Expert Report of Timothy C. Pfeifer    | Redact                          |
| 79                                     | Excerpts from Gulamhussein 30(b)(6) Dep. 11/9/2021   | File Under Seal                 |
| 80                                     | Excerpts from Bhanji 30(b)(6) Dep. 11/16/2021        | File Under Seal                 |
| 81                                     | JH_LEONARD_000307721                                 | File Under Seal                 |
| 87                                     | Excerpts from Gittins Dep. 1/19/2021                 | File Under Seal                 |
| 88                                     | Excerpts from Murphy Dep. 1/27/2021                  | File Under Seal                 |
| 89                                     | Excerpts from Gittins Dep. 1/15/2021                 | File Under Seal                 |
| 90                                     | JH LEONARD 000354356                                 | File Under Seal                 |
| 91                                     | JH37LAR_0267813                                      | File Under Seal                 |
| 94                                     | JH_LEONARD_000400833                                 | File Under Seal                 |
| 95                                     | Excerpts from O'Connor Dep. 3/17/2021                | File Under Seal                 |
| 96                                     | Excerpts from Beltramini Dep. 11/26/2021             | File Under Seal                 |
| 97                                     | JH_LEONARD_000361071                                 | File Under Seal                 |
| 99                                     | JH_LEONARD_000126251                                 | File Under Seal                 |
| 100                                    | JH_LEONARD_000360719                                 | File Under Seal                 |
| 101                                    | JH_LEONARD_000360721                                 | File Under Seal                 |
| 102                                    | JH_LEONARD_000361050                                 | File Under Seal                 |
| 103                                    | JH_LEONARD_000400047                                 | File Under Seal                 |
| 104                                    | JH_LEONARD_000404280                                 | File Under Seal                 |
| 105                                    | JH_LEONARD_000145208                                 | File Under Seal                 |
| 107                                    | JH_LEONARD_000139162                                 | File Under Seal                 |

| <b>LeQuang Declaration Exhibit No.</b> | <b>Beginning Bates Number / Document Description</b> | <b>File Under Seal / Redact</b> |
|--|--|---------------------------------|
| 108                                    | Excerpts from Pouliot Dep. 9/9/2021                  | File Under Seal                 |
| 109                                    | JH_LEONARD_000403230                                 | File Under Seal                 |
| 111                                    | Excerpts from Stern Dep. 7/6/2022                    | Redact                          |
| 112                                    | Excerpts from Stern Dep. 7/7/2022                    | File Under Seal                 |
| 114                                    | JH_LEONARD_000182356                                 | File Under Seal                 |
| 115                                    | JH_LEONARD_000157999                                 | File Under Seal                 |
| 116                                    | Excerpts from Winterhof Dep. 11/5/2021               | File Under Seal                 |
| 117                                    | MI_LEO 004520  | File Under Seal                 |
| 118                                    | JH_LEONARD_000126689                                 | File Under Seal                 |
| 119                                    | JH_LEONARD_000204118                                 | File Under Seal                 |
| 122                                    | JH_LEONARD_000178952                                 | File Under Seal                 |
| 123                                    | JH_LEONARD_000303731                                 | File Under Seal                 |
| 124                                    | JH_LEONARD_000334465                                 | File Under Seal                 |
| 125                                    | JH37LAR_0280279                                      | File Under Seal                 |
| 126                                    | JH37LAR_0231453                                      | File Under Seal                 |
| 127                                    | JH37LAR_0220699                                      | File Under Seal                 |
| 129                                    | JH_LEONARD_000295398                                 | File Under Seal                 |
| 130                                    | JH_LEONARD_000409891                                 | File Under Seal                 |
| 131                                    | Excerpts from Irshad Dep. 10/23/2020                 | File Under Seal                 |
| 132                                    | Excerpts from Bhanji Dep. 11/18/2021                 | Redact                          |

# Exhibit 2

| Docket No. | Exhibit No. | Filed Under Seal / Redacted |
|------------|-------------|-----------------------------|
| 189        | —           | Redacted                    |
| 191        | —           | Filed Under Seal            |
| 192        | —           | Filed Under Seal            |
| 257        | Ex. H       | Filed Under Seal            |
| 257        | Ex. AA      | Filed Under Seal            |
| 257        | Ex. BB      | Filed Under Seal            |
| 294        | Ex. 1       | Filed Under Seal            |
| 294        | Ex. 2       | Filed Under Seal            |
| 294        | Ex. 3       | Filed Under Seal            |
| 294        | Ex. 4       | Filed Under Seal            |
| 294        | Ex. 5       | Filed Under Seal            |
| 294        | Ex. 6       | Filed Under Seal            |
| 294        | Ex. 7       | Filed Under Seal            |
| 294        | Ex. 8       | Filed Under Seal            |
| 294        | Ex. 9       | Filed Under Seal            |
| 294        | Ex. 10      | Filed Under Seal            |
| 294        | Ex. 11      | Redacted                    |
| 294        | Ex. 12      | Filed Under Seal            |
| 294        | Ex. 13      | Filed Under Seal            |
| 294        | Ex. 15      | Filed Under Seal            |
| 294        | Ex. 16      | Filed Under Seal            |
| 294        | Ex. 17      | Filed Under Seal            |
| 294        | Ex. 18      | Filed Under Seal            |
| 294        | Ex. 19      | Filed Under Seal            |
| 294        | Ex. 20      | Redacted                    |
| 294        | Ex. 21      | Filed Under Seal            |

| <b>Docket No.</b> | <b>Exhibit No.</b> | <b>Filed Under Seal /<br/>Redacted</b> |
|-------------------|--------------------|--|
| 294               | Ex. 22             | Filed Under Seal                       |
| 294               | Ex. 24             | Filed Under Seal                       |
| 294               | Ex. 27             | Filed Under Seal                       |
| 294               | Ex. 29             | Filed Under Seal                       |
| 294               | Ex. 30             | Filed Under Seal                       |
| 294               | Ex. 37             | Redacted                               |
| 294               | Ex. 55             | Filed Under Seal                       |
| 294               | Ex. 56             | Filed Under Seal                       |
| 294               | Ex. 58             | Filed Under Seal                       |
| 294               | Ex. 59             | Filed Under Seal                       |